

(3) No person shall be issued a temporary sign permit under this section until such person has filed with the city secretary a bond or insurance policy, or both, in the amount of \$200.00 per sign approved, in form approved by the city attorney, such bond or policy to be conditioned on the placement of temporary signs in accordance with the provisions of this article, the other ordinances of the City of La Porte, and further providing for the indemnification of the city for any and all damages or liability that may accrue to or against the city by reason of the placement, maintenance, alteration, repair or removal, or defects in any temporary sign erected by or under the direction of such applicant, and further providing for the indemnification of any person who shall, while on public property or public right-of-way of the City of La Porte, incur damages for which the person erecting any such temporary sign is legally liable by reason of his act or omission in regard to erection of such temporary signage.

(4) No permit issued under this ordinance shall be transferable.

(d) Number of temporary sign permits: No permittee for a temporary sign may obtain a permit for placement of more than two temporary signs at any one particular location specified in section 106-877(b) above with a maximum of ten temporary signs per permittee, and a maximum of two temporary signs per permittee per location.

(e) Further limitations on permit: No permittee may obtain permits for location of temporary signs for more than four consecutive weeks. Upon the expiration of four consecutive weeks of permits for a particular permittee, no permit shall be issued by the city for any temporary signs for 30 days following said four consecutive week period.

(f) Revocation of permit: Upon learning of any violation of this article or the ordinances of the City of La Porte by any temporary sign permit holder, the building official shall give notice of said violation to the responsible permit holder. Two or more violations of this article, or other ordinances of the City of La Porte shall result in denial of future temporary sign permits to the responsible permittee by the City of La Porte.

(Ord. No. 1501-Z, § 6, 12-22-97)

Sec. 106-878. Permits.

(a) Any person desiring to erect or place a freestanding, attached or portable sign on any property shall first apply to the building official for a permit. With the exception of temporary sign permits as specified above, permits are not required for signs less than five square feet in area. Permits are not required for signs less than five square feet in area.

(b) Any person applying to erect or place a freestanding sign on any property shall submit to the building official the following information:

- (1) A survey of the property which indicates the proposed sign location.
- (2) An engineered design for signs greater than eight feet in height.
- (3) A design of the sign and its support member for signs less than eight feet in height.

(c) Permit fees shall be established by the city council and listed in appendix A.
(Ord. No. 1501-Z, § 6, 12-22-97)

Sec. 106-879. Enforcement.

Any violation of this article shall be subject to the penalties provided in section 106-6.
(Ord. No. 1501-Z, § 6, 12-22-97)

Secs. 106-880—106-889. Reserved.

ARTICLE VIII. TELECOMMUNICATIONS TOWERS AND FACILITIES

Sec. 106-890. Definitions.

[The following words, terms and phrases, as used in this article, shall have the meanings respectively ascribed to them in this section, unless the context clearly indicates otherwise:]

Antenna support structure means any building or structure other than a tower which can be used for location of telecommunications facilities.

Applicant means any person that applies for a tower development permit.

Application means the process by which the owner of a parcel of land within the city submits a request to develop, construct, build, modify, or erect a tower upon such parcel of land. Application includes all written documentation, verbal statements, and representations, in whatever form or forum, made by an applicant to the city concerning such a request.

Engineer means any engineer licensed by the State of Texas.

Owner means any person with fee title or a long-term (exceeding ten years) leasehold to any parcel of land within the city who desires to develop, or construct, build, modify, or erect a tower upon such parcel of land.

Person is any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.

Site plan review committee means a committee composed of staff members of the city, responsible for reviewing and recommending plans submitted pursuant to this article, including individuals designated by the director of planning (usually being the chief building official and the city engineer), the fire marshal, and the director of public works. The building official is responsible for chairing meetings of the site plan review committee, and making reports of the results of said meetings. Duly designated representatives of the members of the site plan review committee may serve in the stead of the aforementioned members of the committee.

Stealth means any tower or telecommunications facility which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened

(f) Off-premises signs, when illuminated, must be constructed with upward shielded directional illumination.

(g) The following height limitations shall apply:

- (1) Off-premises public service signs: 18 feet.
- (2) Off-premises advertising signs: 45 feet.

(h) All off-premises freestanding advertising signs shall be spaced in intervals of not less than 1,000 feet.

(Ord. No. 1501-Z, § 6, 12-22-97; Ord. No. 3273, § 2, 9-13-10)

Sec. 106-876. Subdivision marketing signs.

(a) For the purpose of marketing a recorded subdivision, one on-premises freestanding sign of not more than 150 square feet for each road abutting the respective subdivision shall be permitted, provided that such sign shall not be placed within any required yard nor within 25 feet of any property line abutting a street or road right-of-way, and further provided that such sign shall not exceed 20 feet in height.

(b) For the purpose of marketing a recorded subdivision, one off-premises sign of not more than 150 square feet may be permitted for each recorded subdivision in any zoning district. Such sign shall not be placed within 25 feet of any property line and shall not exceed 20 feet in height. The permit for such sign shall expire, unless renewed, two years after the date of issuance of such permit, and provided that each request for permit shall be accompanied by a license and permit fee posted by the respective sign hanger in the amount of \$300.00 for the purpose of ensuring proper location, maintenance, and removal of the respective sign.

(Ord. No. 1501-Z, § 6, 12-22-97)

Sec. 106-877. Temporary signs.

(a) Subject to the provision of this section, temporary signs are prohibited except in the following instances:

- (1) Temporary signs shall be a maximum of 18 inches by 24 inches in size and constructed of all-weather corrugated plastic sheeting with a wooden stake or greater as support.
- (2) Temporary signs may only be placed between the hours of 5:00 p.m. on Friday and 7:00 p.m. on the following Sunday.
- (3) Temporary signs shall be free of balloons, banners, or streamers.

(b) Location of temporary signs:

- (1) Temporary signs shall not be placed in a manner that will interfere with a site triangle or otherwise create a traffic hazard.
- (2) Temporary signs may not be located within five feet of the edge of any pavement.

- (3) Temporary signs may only be placed at the following locations within the city, with a maximum of two temporary signs permitted at any one time at any specified intersection:

SH 146 at Fairmont (northeast, southwest and southeast corners)

SH 146 at Wharton Weems (northeast and southeast corners)

SH 146 at McCabe (northeast corner and feeder and southeast corner of northbound SH 146 and McCabe)

SH 225 at Underwood (southwest corner of Underwood eastbound lane and southeast corner of Underwood eastbound lane of SH 225)

SH 225 at Sens (northwest and northeast corners SH 225 and southwest corner of SH 225 on westbound feeder on Sens)

Spencer at Sens (northwest and northeast corners SH 225 and southwest corner of SH 225 on westbound feeder on Sens)

Spencer at Sens (northwest and southeast corners)

Spencer at Valleybrook (southeast corner)

Spencer at Driftwood (southeast corner) Spencer at Luella (southeast corner)

Fairmont at Luella (northwest corner Luella, eastbound lane W. Fairmont)

Fairmont at Driftwood (northwest corner westbound on Fairmont)

S. Broadway at Fairmont (northwest and southwest corners)

S. Broadway at Wharton Weems (northwest and southwest corners)

N. "L" at Underwood (northeast and southeast corners)

Bay Area Blvd. at Fairmont (northwest corner of Bay Area Blvd. and eastbound lane on W. Fairmont and southeast corner of Bay Area Blvd. eastbound lane on W. Fairmont)

- (c) Temporary sign permits:

- (1) No temporary sign may be erected within the city limits of the City of La Porte without a permit first having been obtained from the building official.
- (2) Application for temporary sign permits shall be made upon forms provided by the building official, and shall contain and be accompanied by information sufficient to identify the location of the proposed sign, consistent with the location criteria established in subsection (b)(2) above.

- b. Pre-existing, nonconforming signs listed in subsection (a) above are exempted from the terms, conditions, and effects of section 106-262. An inventory of such pre-existing signs will be required to document existing specifications, i.e. height, face, size, and other dimensional measurements.
 - i. Pre-existing signs may be repaired, maintained, and/or replaced, but may not be enlarged.
 - ii. All signs and sign support structures shall be maintained at all times in a state of good repair. The sign components shall be reasonably free of rust, painted if needed, and structurally sound.
 - iii. *Controlled access corridor signs on properties within the Main Street District/Overlay that have frontage along State Highway 146 shall be maintained as per provisions of section 106-874(a)(3)a., b., and e. In addition, signs on other properties within Main Street District/Overlay between SH 146 and 8th Street shall be maintained as per provisions of section 106-874(a)(3)a., b., and d.
- c. Any new on-premises freestanding signs shall be a monument or ground sign that does not exceed eight feet in width and height from the ground to the top of the sign. (Note: In accordance with section 106-878(b)(2), sign not exceeding eight feet in height do not have to be engineered.)
- d. A city permit shall be required prior to any new signage.
- e. A city approved sign design may be eligible for city participation under the Main Street Incentive Reimbursement Grant Funds.

(b) *Attached on-premises signs.*

(1) *General provisions.*

- a. One attached sign per building wall may be displayed for each occupant or use on the premises.
- b. These regulations do not apply to building addresses or supplemental signs for the purpose of identifying the apartment buildings or units.

(2) *R-1, R-2, R-3, MH and LL districts.*

- a. The size of the sign may not exceed three square feet.
- b. No portion of the sign may have a luminous greater than 200 footcandles and may not move, flash, rotate or change illumination.
- c. Signage: Group care facilities located within a residential neighborhood shall be allowed to have one sign not exceeding two square feet in area, non-illuminated and mounted flat against the wall of the principal building.

(3) *R-3, CR, NC, GC, BI, LI, and HI districts.*

- a. The cumulative size of the signs may not exceed 15 percent of the wall area.

- b. If located closer than 50 feet to an R-1, R-2, or MH district, the sign may not flash and must be designed so that it does not shine or reflect light into adjacent residences.
- c. One attached canopy sign may be displayed. Such sign shall not exceed 30 percent of the canopy area. Such sign must be contained within the physical limits of the canopy and shall not extend above or below the canopy.

(4) *MS districts.*

- a. The cumulative size of the signs may not exceed 25 percent of the wall area.
- b. If located closer than 50 feet to an R-1, R-2, or MH district, the sign may not flash and must be designed so that it does not shine or reflect light into adjacent residences.
- c. One attached canopy sign may be displayed. Such sign shall not exceed 30 percent of the canopy area. Such sign must be contained within the physical limits of the canopy and shall not extend above or below the canopy.

(Ord. No. 1501-Z, § 6, 12-22-97; Ord. No. 1501-AAAA, § 6, 10-11-04; Ord. No. 3273, § 1, 9-13-10; Ord. No. 2012-3406, § 5, 3-26-12)

Sec. 106-875. Off-premises signs.

(a) Off-premises freestanding advertising signs may be erected in the BI, LI, and HI zoning districts.

(b) Off-premises freestanding public service signs may be erected in the GC, BI, LI, and HI zoning districts.

(c) Off-premises signs within the right-of-way may be attached to the face of the building and project into the West Main Street portion of Main Street Overlay as follows:

- (1) Minimum seven-foot clearance with maximum eight feet clearance (grade to bottom of sign).
- (2) Maximum four-foot encroachment/projection into the right-of-way.
- (3) Maximum sign face of 16 square feet.
- (4) Maximum of one projection sign per business allowed.
- (5) Completed right-of-way license agreement with the city.

(d) The following size limitations shall apply to all off-premises freestanding signs:

- (1) In controlled access corridors, the size limitations shall be set by the Texas Highway Beautification Act.
- (2) On all other streets, the maximum size shall be 300 square feet and may not have more than two sign faces.

(e) An off-premises sign must be located at least 50 feet from an existing freestanding on-premises sign.

- f. On-premises real estate signs are allowed and shall be exempt from all other provisions of section 106-874.
- (2) *R-1, R-2, R-3, MH and LL districts.*
- a. One freestanding identification sign is permitted for townhouses, multifamily developments, group care facilities (except when located within a residential neighborhood), subdivisions, education and religious facilities.
 - b. For a bed and breakfast facility one sign not exceeding three square feet in area and nonilluminated shall be allowed. This sign may be either mounted on the building or located in a landscaped portion of the yard.
 - c. For a home occupation facility one sign not exceeding two square feet in area and nonilluminated shall be allowed. This sign shall be mounted flat against the wall of the principal building.
 - d. The size of the sign may not exceed 150 square feet.
 - e. There are no minimum yard setbacks.
 - f. The maximum height is 45 feet.
- (3) *CR, NC, GC, BI, LI, and HI districts.*
- a. One freestanding advertising sign shall be permitted for each side of a commercial establishment which fronts on a developed right-of-way.
 - b. The following size limitations apply:
 - 1. Freestanding signs for single tenant buildings: 150 square feet.
 - 2. Freestanding signs for single tenant buildings in a controlled access corridor: 300 square feet.
 - 3. Freestanding signs for multitenant buildings: 350 square feet.
 - c. The following minimum yard setbacks apply:
 - 1. When not adjacent to residentially zoned property, there are no minimum setbacks.
 - 2. When adjacent to residentially zoned property, there are minimum side and rear yard setbacks of five feet.
 - d. The following height limitations apply:
 - 1. Freestanding signs: 45 feet.
 - e. Freestanding signs in a controlled access corridor: 65 feet.
- (4) *BI, LI, and HI districts.*
- a. One freestanding advertising sign shall be permitted for each side of a commercial establishment which fronts a developed right-of-way.
 - b. The following size limitations apply:
 - 1. Freestanding signs for single tenant buildings: 150 square feet.

2. Freestanding signs for single tenant buildings in controlled access corridors: 300 square feet.
3. Freestanding signs for multi-tenant buildings: 350 square feet.
- c. The following minimum yard setbacks apply:
 1. When not adjacent to residentially zoned property, there are no minimum setbacks.
 2. When adjacent to residentially zoned property, there are minimum side and rear setbacks of five feet.
- d. The following height limitations apply:
 1. Freestanding signs: 45 feet.
 2. Freestanding signs in controlled access corridors: 65 feet.

(5) *MS district and overlay.*

- a. Pre-existing, nonconforming signs listed at the following locations within the overlay and Main Street District existing as of the effective date of this ordinance are considered legal, grandfathered, and may continue as such in accordance with the specifications, regulations, and conditions of this ordinance. The city accepts no liability for any damages to any signs within public right-of-way or easement. The city also reserves the rights to enter into, maintain, and utilize all common use public utility easements and public rights-of-way to promote the health, safety, morals or general welfare of the community and the safe, orderly, and healthful development of the city.
 1. 101 E. Main.
 2. 201 E. Main.
 3. 115 W. Main.
 4. 208 W. Main.
 5. 306 W. Main.
 6. 521 W. Main.
 7. 616 W. Main.
 8. 718 W. Main.
 9. 820 W. Main.
 10. *107 N. 8th.
 11. *105 Highway 146 S.
 12. *117 Highway 146 S.
 13. *120 Highway 146 N.

(g) Any sign in violation of any provisions of this chapter is subject to immediate removal by the city.
(Ord. No. 1501-Z, § 6, 12-22-97)

Sec. 106-872. Portable signs.

(a) Portable signs may be located in the high density residential (R-3), manufactured housing (MH), commercial recreation (CR), neighborhood commercial (NC), general commercial (GC), business industrial (BI), light industrial (LI), and heavy industrial (HI) zoning districts.

(b) A portable sign may not stand on any premise for more than 30 consecutive days at a time or for more than 60 days in any calendar year without a period of at least 20 intervening days.

(c) Lighted portable signs shall be constructed and installed in accordance with the requirements of the city's electrical code. Portable signs with red, yellow, amber, green, or blue lights or with lights that flash, blink, or vary in intensity are prohibited.

(d) Portable signs must comply with the setback requirements that would apply to on-premises signs in the zoning district in which the portable sign is to be located. Portable signs may not be placed on public right-of-way and may not be placed in such a manner as to create a hazard to traffic.

(e) A portable sign must be tied down or secured in a manner prescribed by the building official to ensure the safe installation of said sign.

(f) A portable sign, during the required intervening periods, must be completely removed from public view. Removal of the lettering is not considered to be in compliance with this section.

(g) All damaged portable signs must be removed within 48 hours of notification by the city until such sign has been repaired.

(h) Portable signs shall be used for on-premises use only.

(i) Nothing in this section shall apply to political advertising.

(j) Portable signs are to be permitted through the building official of the city consistent with the provisions of this chapter. Permitted portable signs shall have securely affixed and plainly visible a sticker, in form prescribed by the city showing the date the permit was issued, and the date the permit is to expire. Portable signs shall also contain on both faces the date of expiration of the current permit.

(k) Portable signs located on premises in violation of any of the provisions of this chapter, including the requirement that portable signs have attached a validly issued, current permit from the city are subject to immediate removal by the city.

(l) Portable signs removed by the city in accordance with this article shall be safely and securely stored by the city. Portable signs removed and stored by the city may be redeemed by their owner upon the payment of a storage fee established by the city council and listed in appendix A. Signs not redeemed from storage may be sold by the city in accordance with laws regulating sale of abandoned property.

(m) Nothing in this article shall be construed as a waiver by the city on the penal enforcement of this chapter. The remedies provided in this article shall be in addition to, and not cumulative of, other remedies the city might have as allowed in this chapter and state law. (Ord. No. 1501-Z, § 6, 12-22-97)

Sec. 106-873. Political signs.

Temporary political signs placed for the duration of an election campaign shall not be subject to the requirements of this chapter except that:

- (1) No political sign shall be placed within a sight triangle or in a manner which will otherwise create a traffic hazard.
- (2) No political sign shall be placed on or over a public right-of-way, whether used or unused, a utility easement or on utility poles.
- (3) All portable signs used for political advertising shall be anchored in a manner which will prevent their being blown about by a strong wind.
- (4) All political signs shall be removed no later than ten days after the election for which they were placed. In the case of run-off elections, political signs may remain in place no longer than ten days following the run-off.

(Ord. No. 1501-Z, § 6, 12-22-97)

Sec. 106-874. On-premises signs.

(a) Freestanding on-premises signs.

(1) General provisions.

- a. These regulations shall apply to freestanding signs only.
- b. Multiple reader panels mounted on a single base shall be considered to be a single sign.
- c. For the purposes of this section, a multitenant building shall be considered to be a single establishment and shall be restricted to freestanding advertising signage in accordance with the regulations governing such signs.
- d. Separate buildings located on a single piece of property may be considered to be separate business establishments with each building being eligible for freestanding advertising in accordance with these regulations.
- e. The number of on-premises freestanding nonadvertising signs intended to direct traffic and not exceeding six square feet in size shall not be limited by this section.